

**SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**HEARING OFFICER DIRECTIVE**

**DOCKET NOS. 2017-370-E, 2017-207-E, 2017-305-E ORDER NO. 2018-161-H**

**OCTOBER 31, 2018**

David Butler  
Hearing Officer

**DOCKET DESCRIPTION:**

**Docket No. 2017-370-E** – Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

**Docket No. 2017-207-E** – Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

**Docket No. 2017-305-E** – Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

**MATTERS UNDER CONSIDERATION:**

- 1) Presentation of Ken Browne and Carlette Walker as Pre-Filed Testimony Witnesses
- 2) Deposition of Dukes Scott
- 3) Hours for the Hearing Starting November 2, 2018

**HEARING OFFICER ACTION:**

1) With the approval of the Chairman, ORS may present the testimony of Ken Browne and Carlette Walker as pre-filed witnesses during these proceedings in the manner described in the ORS letter of October 30, 2018, i.e. the witnesses will adopt their depositions as their pre-filed testimony, and be physically present to do so. The witnesses shall be subject to cross-examination by the parties and questions from the Commissioners, just as any other pre-filed witness would be. Although I agree that this is not the preferred methodology, it is reasonable and appropriate in light of the fact that the witnesses do appear to possess first-hand knowledge of the facts and circumstances of many of the nuclear-related activities of SCE&G under consideration in this case, and the fact that the witnesses will be physically present in the Commission hearing room to address their deposition testimony, rather than

having their depositions read into the record by unknown persons. Further, an examination of the unredacted depositions of witnesses Browne and Walker lead to the conclusion by this Hearing Examiner that the depositions should be released from the constraints of confidentiality and should be public information in their entirety. Should SCE&G or any party disagree with this conclusion, said party shall submit a page and line designation with oral argument on why they believe certain matters in these two depositions should retain confidentiality by 12 Noon on Thursday, November 1, 2018.

In addition, there are numerous items that appear to be designated confidential for unknown reasons. The proceedings in this case need to occur in an orderly and expeditious manner, and the cooperation of the parties is sought in either voluntarily removing the confidential designations as much as possible, or refraining from cross-examination on such areas if possible. If a party believes that the confidential designation should be removed from specific items or sections of specific items, please submit your request by the end of the proceedings on Monday, November 5, 2018. Also, if a party is willing to remove the confidential designation from any item or section of an item, please also notify this Hearing Officer by the close of proceedings on Monday, November 5, 2018.

2) With regard to the deposition of Dukes Scott and the Motion of SCE&G, this Hearing Officer is reluctant to issue an Order requiring that a deposition be taken on a certain date at this point in the proceedings. The parties appear to be willing to take the deposition on November 7, 2018. SCE&G states that they would like to complete Mr. Scott's deposition prior to cross-examining ORS witnesses Jones and James. In the alternative, SCE&G asks that witnesses Jones and James be recalled if their original testimony is completed prior to completion of the deposition of Mr. Scott. In this case, I hold that the latter option is preferable. Rather than ordering the deposition of Mr. Scott on November 1 as originally requested, I hold that the parties may take the deposition of Mr. Scott on November 7, or earlier upon agreement, and, if necessary, ORS witnesses Jones and James may be recalled to the stand if they have completed their testimony prior to the completion of Mr. Scott's deposition for further examination on matters raised by Mr. Scott's deposition.

3) Beginning November 2, 2018, the hearings in this matter will be held between 9:00 am to 4:30 pm, with a lunch break to be determined.